

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DPJ</b>	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION NO. 16-245</b>
<b>DELAWARE VALLEY CHARTER HIGH SCHOOL, et al.</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 31st day of August 2016, upon consideration of the Motion to Dismiss and the opposition thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. Count I (Civil Rights Violations under 42 U.S.C. § 1983) is **DISMISSED without prejudice** for failure to state a claim.
2. Count V (Civil Rights Violations under 42 U.S.C. § 12132 and 29 U.S.C. § 794) is **DISMISSED without prejudice** for lack of subject-matter jurisdiction resulting from the failure to exhaust.
3. Plaintiff is granted leave to file an amended complaint within **21 days** of the date of this Order.
4. In the event that Plaintiff does not file an amended complaint, the Court declines to exercise supplemental jurisdiction over the state-law claims and Count II (Reckless Disregard of Safety), Count III (Negligence), and Count IV (Outrageous Conduct Causing Severe Emotional Distress) are **REMANDED** to the Court of Common Pleas of Philadelphia County, Pennsylvania, where the case was filed at January Term 2016, No. 937.

It is so **ORDERED**.

**BY THE COURT:**

/s/Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**